

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 30-35 are pending in this case. Claims 30, 34, and 35 are amended by the present amendment. As amended Claims 30, 34, and 35 are supported by the original specification,¹ no new matter is added.

In the outstanding Official Action, Claims 30-35 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over Claims 1 and 30-33 of U.S. Patent Application No. 09/790,814 in view of Kim (U.S. Patent No. 6,766,103).

It is respectfully noted that the references listed in the Information Disclosure Statements (IDSs) filed April 23, 2004 and November 5, 2004 were not indicated as having been considered in the outstanding Office Action. With regard to the IDS filed April 23, 2004, the outstanding Office Action noted that the cited reference was not translated, and asserted that a statement under 37 C.F.R. §1.97(e) was not included.

Regarding the statement under 37 C.F.R. §1.97(e), such a statement is not necessary because the IDS was filed before the first Office Action. See 37 C.F.R. §1.97(b)(3).

Regarding the request for a translation, translations of the Office Actions from the Japanese Patent Office citing the references submitted on both April 23, 2004 and November 5, 2004 or English language abstracts of the references were included with each respective IDS, and these translations serve as statements of relevancy under 37 C.F.R. §1.98(3)(i). Accordingly, it is respectfully submitted that the IDSs filed April 23, 2004 and November 5, 2004 are in compliance with 37 C.F.R. §§1.97-1.98. Thus, copies of the PTO-1449 forms, copies of the translated Japanese Office Actions, and date

¹See, e.g., the specification at page 39, lines 24-27 and Figure 10.

stamped filing receipts from these IDSs are enclosed. It is respectfully requested that these references be considered.

With regard to the non-statutory double patenting rejection of Claims 30-35 over Claims 1 and 30-33 of U.S. Patent Application No. 09/790,814 in view of Kim, that rejection is respectfully traversed.

Amended Claim 30 recites in part, “said user-defined program chain information includes number information configured to indicate one of the still picture information.”

It is respectfully submitted that none of Claims 1 and 30-33 of U.S. Patent Application No. 09/790,814 include this feature.

Further, Kim fails to teach or suggest this feature. Kim describes a rewritable recording medium for storing *audio* objects including user-defined program chain information UD_PCG.² Kim describes that the UD_PCG can include a cell (Cell 4) and a user defined partial audio track (UD_TRK). The cell may include start and end positions (RA_ENT) of a representative *audio* section of the user-defined *audio* track.³ Thus, it is respectfully submitted that Kim does not describe user defined program chain information including number information configured to indicate any *still picture* information.

Accordingly, as neither Claims 1 and 30-33 of U.S. Patent Application No. 09/790,814 nor Kim teach or suggest “said user-defined program chain information includes number information configured to indicate one of the still picture information” as recited in amended Claim 30, Claim 30 (and Claims 31-33 dependent therefrom) is patentable over Claims 1 and 30-33 of U.S. Patent Application No. 09/790,814 in view of Kim.

Amended independent Claims 34 and 35 recite similar elements to Claim 30.

Accordingly, Claims 34 and 35 are believed to be patentable over Claims 1 and 30-33 of U.S.

²See Kim, column 4, lines 14-23 and Figure 5.

³See Kim, column 4, lines 24-33.

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- Patent Application No. 09/790,814 and Kim for at least the reasons described above with respect to Claim 30.

Accordingly, the outstanding double patenting rejection is traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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